

**As Reported by the Senate State and Local Government and  
Veterans Affairs Committee**

**126th General Assembly**

**Regular Session**

**2005-2006**

**Am. Sub. H. B. No. 76**

**Representatives Trakas, McGregor, Walcher, Collier, Allen, Combs, D. Evans,  
Flowers, Gilb, Hagan, Healy, Hughes, Koziura, T. Patton, Reidelbach,  
Schaffer, Seaver, Setzer, G. Smith, Widowfield, Wolpert, Yuko  
Senators ZurzFedor**

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**A B I L L**

To amend section 733.48 of the Revised Code to permit  
the electors of a statutory village to vote on a  
question to authorize the mayor to appoint the  
village solicitor with the advice and consent of  
the village's legislative authority.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 733.48 of the Revised Code be amended  
to read as follows:

**Sec. 733.48.** ~~When~~ (A) Except as provided in division (B) of  
this section, when it ~~deems~~ considers it necessary, the  
legislative authority of a village may provide legal counsel for  
the village, or for any department or official ~~thereof~~ of the  
village, for a period not to exceed two years, and shall provide  
compensation for ~~such~~ the legal counsel.

(B) A petition may be filed with the village clerk, signed by  
registered electors residing in the village equal in number to not  
less than ten per cent of the total vote cast for all candidates

for governor in the village at the most recent general election at  
which a governor was elected, requesting that the question be  
placed before the electors whether, instead of the legislative  
authority appointing legal counsel for the village or for any  
department or official of the village, the mayor shall appoint an  
attorney or law firm as the legal counsel with the advice and  
consent of the legislative authority. Within two weeks after  
receipt of the petition, the clerk shall certify it to the board  
of elections, which shall determine its sufficiency and validity.  
The petition shall be certified to the board not less than  
seventy-five days prior to the election at which the question is  
to be voted upon.

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At the election, if a majority of the electors of the village  
approves the question, then effective immediately when the mayor  
considers it necessary, the mayor shall appoint, with the advice  
and consent of the legislative authority, an attorney or law firm  
as legal counsel for the village, or for any department or  
official of the village, for a period not to exceed two years. The  
appointment of legal counsel under this division shall be pursuant  
to a contract approved by the mayor and a majority vote of the  
legislative authority. The contract shall provide for the  
compensation and other terms of the engagement of the legal  
counsel, and the legislative authority shall provide that  
compensation for the legal counsel.

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(C) When acting under this section, the legislative authority  
acts in its administrative capacity.

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**Section 2.** That existing section 733.48 of the Revised Code  
is hereby repealed.

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